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STATE DOCUMENTS

THE

76 REVIEW

JOURNAL

a newsletter for local government study commissions

Vol. 3

Helena, Montana 59601

January 1976

LEWIS AND CLARK COUNTY UNANIMOUS ON CHARTER, MANAGER

The Lewis and Clark County study commission unanimously recommended that a charter be drawn up to satisfy the county's needs, and that the form of government within the charter would be commission-manager. The commissioners decided that the question of whether county elections should be partisan or non-partisan would be placed on the ballot for the voters to decide. An early June election was agreed upon.

All five commissioners expressed strong personal convictions that the manager form combined with a county charter could best satisfy the needs of the county. (Turn to page 2)

STATE COMMISSION ON LOCAL GOVERNMENT WINTER WORKSHOPS

Please mark your calendar now

Workshops scheduled from 9:00 a.m. - 4:30 p.m.

1. HOW TO WRITE TENTATIVE AND FINAL REPORTS

In Helena: Saturday, February 7th at Carroll College-downstairs
in Carroll Commons

In Glendive: Saturday, February 21st at Dawson College

2. PUBLIC INFORMATION: TAKING YOUR PROPOSAL TO THE VOTERS

In Helena: Saturday, March 13th, at the Colonial (Executive Conference Room)

In Glendive: Saturday, March 20th at Dawson College

ANACONDA-DEER LODGE COUNTY PROPOSE UNIFICATION

The Anaconda and Deer Lodge County study commissions have proposed the unification of their city and county governments. The study commissions will write a charter and the form of government within the charter will be commission-manager.

The commission also decided to propose a five person commission to be elected on a partisan ballot; commissioners would serve part time. Only the professional manager of the proposed commission would work full time. Chairman Jack Haffey noted that the study commissioners' decisions are not immediately binding and are subject to future modification.

At meetings leading up to their decisions, study members engaged in lively discussion on the geographical area of the county the five commissioners should be elected from to best represent their constituents. (Turn to page 2)

LEWIS & CLARK COUNTY....

Commissioner Betty Boettger, who introduced the motion for approval of writing a charter based on the commission-manager form, said the form would allow the county more latitude in deciding its own future. "I can see many advantages to the manager form, and, frankly, I don't see many disadvantages," she said. Boettger also said the manager form will allow the county to operate as a business. Penny Egan, who seconded the motion, agreed, saying that adoption of the manager form would put the county in a better position to manage the taxpayers' money.

The study commission hopes to finalize its preliminary proposals by January 15.
--Michelle Stearns (Lewis and Clark County)

ANACONDA-DEER LODGE COUNTY....

A possibility exists that the number of commissioners may be raised to seven before the final report is written.

Commissioner Earl Sager was emphatic in his motion that elections under the proposed new form be partisan, noting the traditional, historical and grass-roots support in Deer Lodge County of partisan politics and the two-party system. To take the partisan option away from voters under any proposed form of local government might endanger the whole package being turned down at the polls, some study members indicated.

A number of public hearings are scheduled in coming months when residents will express their views on the major provisions of the proposed government. The group went on record that individual study commission members are willing to talk to organizations to explain the commission's work and explain the preliminary positions taken thus far in the proceedings.

Also, task force committees of laymen to assist the study commissioners in such areas as public opinion, law enforcement, fire districts, and promotion and advertising will be organized. Concerned about its image and "raising the consciousness level" of citizen awareness and participation, as chairman Jack Haffey termed it, the study commissioners also will focus on forms of advertising and promotion it may employ in future months.

MILES CITY UNANIMOUS ON MANAGER, CHARTER

The Miles City Study Commission voted unanimously to submit the Commission-Manager form of government to the voters as their alternative. They will also write a charter and ask the voters to approve non-partisan elections for the commission.

Chairman George Kurkowski said that their commission decided to offer the Manager form after study commissions had contacted officials in Bozeman and Helena, two cities that have a manager: "People in Helena are especially pleased and say their manager has saved the city innumerable dollars." Kurkowski noted that, "the commission-manager is the most efficient form of government. The manager is trained to know all about city government including fiscal matters and where money is available." He also said that 80% of the present city council voiced the need for a manager capable of handling the intricacies of modern government.

Yet to be decided is whether or not the commission will be elected at large or from districts or wards, and how many commissioners there will be. The study commission is also investigating possible service sharing between the city and county.

--Chairman George Kurkowski, Miles City
Study Commission

DECISIONS: VOTER REVIEW

This column, which will appear monthly, lists decisions made thus far by study commissions on alternative forms. These decisions may be modified by public input before the final report is written.

HAVRE: commission-manager, self-government powers / MILES CITY: commission-manager, non-partisan elections / KALISPELL: commission-manager / WHEATLAND COUNTY: charter, manager / BILLINGS: charter, city administrator / YELLOW-STONE COUNTY: charter, county administrator / ANACONDA-DEER LODGE COUNTY: unification, charter, commission-manager, partisan elections / LEWIS and CLARK COUNTY: charter, commission-manager / HELENA: charter, commission-manager / BOZEMAN: commission-manager, self-government powers, election of mayor / MISSOULA-MISSOULA COUNTY: unification, charter, county administrator / BUTTE-SILVER BOW COUNTY: unification, charter, commission-executive / WHITEFISH: charter, manager / MANHATTAN: town meeting / TERRY: charter, town meeting.

*REMEMBER: STUDY COMMISSIONS MUST HAVE TENTATIVE
REPORTS DRAFTED, ADOPTED AND PRINTED BY JUNE 1, 1976*

*THE FINAL REPORT MUST BE ADOPTED BY AUGUST 1, 1976;
THE FINAL REPORT PRINTED AND DISTRIBUTED BY OCTOBER 3, 1976*

If your study commission has made a decision we don't know about, write Arford Malina, State Commission on Local Government, Capitol Station, Helena, Montana 59601. Phone 442-2814. Articles on your study commission will also be appreciated.

SIDNEY, FAIRVIEW, RICHLAND COUNTY CONSIDERING COUNTYWIDE LAW ENFORCEMENT

The possibility of combining not only facilities, but also law enforcement personnel, was discussed during a joint meeting of the Sidney, Fairview and Richland County study commissions.

Commission members used Rosebud County as a model in discussing the advantages and disadvantages of such a proposal. Rosebud County initiated a countywide law enforcement program about three years ago. It involves one law enforcement agency that is responsible for the entire county; in place of city police, "sergeants" are placed in charge of cities in the county.

Gary Thogersen of the Sidney study commission and Antone Carda, of the county, met with officials at Forsyth to determine the success of the arrangement. The city of Forsyth entered into a contract with Rosebud County for law enforcement and the city pays part of the cost. Thogersen said better law enforcement could be provided with this system because there is only one boss in the county and increased pay would attract more qualified individuals for police duty.

The city and county are currently working on plans to remodel the existing jail and administrative offices of the county Sheriff, but consolidation of personnel in addition to facilities had not been a major concern until recently.

According to a report of an interview with Richland County Sheriff Harold Grinolds by Carda and Thogersen, the sheriff is in favor of consolidation of facilities such as offices and radio communications, but is not sure about the consolidation of personnel. According to the report, the sheriff said he thought consolidation would mean more efficient law enforcement in the long run.

--from The Sidney Herald, 11/26/75

NOTES FROM STUDY COMMISSIONS

1. At the December 9th meeting of the Lewistown study commission, members presented position papers, four out of five of which recommended that a city-manager be proposed. A public hearing will be held on January 22nd before the final decision is made. A June election is planned.

2. The Golden Valley study commission, says chairman Bob Lehfeldt, is considering proposing a county manager.

3. At a joint meeting of the Cascade County and Chouteau County study commissions, the possibility of establishing a district attorney's office to handle criminal prosecution for the Eighth Judicial District was discussed. Chairperson Marie Tierney of Cascade County noted that county attorneys would then be free to devote time to civil matters. Chairman Miles Swan of Chouteau said the group would study the proposal and come up with a recommendation before January 15th.

4. The Kalispell study commission recently sponsored a call-in T.V. panel in cooperation with Flathead Community College. Kalispell residents were able to call the T.V. station and have their questions about local government answered "live." Kalispell is planning on a June election.

5. Chairman Marvin Carter reports that although members of the Laurel study commission are waiting for more input from citizens before they reach a final decision, they are presently seriously thinking of proposing the commission-manager form of government. Carter recently spoke to the Laurel Chamber of Commerce and to the Laurel Jaceens and says that there is general dissatisfaction with the present mayor-alderman form of government.

6. The Helena study commission has decided to write a charter to obtain self-government powers while also limiting the taxation powers of the commission. Helena will retain the commission-manager form.

7. Chairperson Gayle Giles reports that the Eureka (population 1200) study commission is leaning toward proposing the town meeting "override." Under such a proposal, the mayor-council form would continue to operate, but a town meeting would be held annually or could be called intermittently to give direction to council policy. A charter would have to be written for this proposal. A poll will be taken via the Tobacco Valley News to ascertain if citizens in the Eureka area would support it.

8. The Great Falls and Cascade County study commission voted to continue discussing the possibility of service transfers in the following four areas: airport, law enforcement, building inspection and accounting.

9. Toni Hagener, Chairperson of the Havre study commission, has made visits to the Lewis and Clark County and Yellowstone county health departments and to the Flathead City-County-College consolidated library in Kalispell. The Havre and Hill County study commissions are considering service agreements in these areas.

10. Chairman Jim Whitlock, of the Hamilton study commission, told the Hamilton city council that the city's greatest need is for a professional person to handle administrative matters, no matter what alternative form is finally chosen.

YELLOWSTONE COUNTY PLAN SPARKS RESISTANCE

The Yellowstone County study commission has decided to write a charter with an appointed county administrator and seven part time commissioners. The study commission plan, which would deprive the present commissioners of their full time jobs and full time salaries, sparked a heated response.

The rule of seven county commissioners, according to veteran commissioner M. E. "Mike" McClintock, "is absurd--entirely excessive." He said that the \$300 monthly stipend proposed by the study commission for each commissioner would not work. "They won't get anybody to run for office with that kind of salary incentive," McClintock said.

Duane Christensen, another county commissioner, wondered, "just what kind of responsibilities are the commissioners going to have with an appointed official in charge?" McClintock quipped, "We'll probably end up with a chief executive from New Jersey."

Controversy was also sparked by the commissioner's decision to propose the appointment rather than the election of the sheriff, clerk and recorder, auditor, surveyor and treasurer. The prosecuting attorney, assessor and superintendent of schools would still be elected. Clerk and recorder, Merrill Klundt said that he was "vehemently against appointing so many officials."

Treasurer May Jenkins also was opposed. "I feel that the present system of electing most officials provides a series of checks and balances for citizens," she said. "It's not that we fear losing our jobs. We protest because we feel the electorate should have its say, rather than one super-executive doing all the hiring."

Study commission chairperson Jean Bowman emphasized "that all our suggestions are still in the tentative stage," and might be modified by public input.

... and an editorial response from the Billings Gazette, 12/15/75

A bureaucratic reaction

Yellowstone County officials are upset that the County Government Study Commission advocates a change in the archaic system. So, what else is new?

The opposing stance taken by various elected officials is predictable. That doesn't mean their objections should be taken seriously.

Of course they are against any change they do not sponsor. Bureaucracy, whether federal, state, county or city, always feels that way.

After all, the study commission is proposing elimination of their method of obtaining the job — that of popular election. Instead it proposes to elect primarily a seven-member county commission that would serve as a policy making body and also select an administra-

tor to carry out its wishes and oversee county services.

It is entirely possible that a number of the presently elected officials, such as the clerk and recorder, treasurer, sheriff, clerk of court and so on, might be retained by the administrator to carry on functions they now perform. The difference is that they would be responsible to a knowledgeable administrator for their actions. In other words, they would have a boss.

We believe the county study commission is on the right track with its proposals. They need refinement, which will come. Meanwhile, let's not be confused by the complaints of a few elected public officials who see their jobs in danger. It is an expected reaction.

WHEATLAND MEMBERS VISIT
COLORADO COUNTY MANAGER

BOZEMAN STUDIES BOISE
SERVICE AGREEMENTS

Blanche Blum and Darrel Coombs, members of the Wheatland County study commission, journeyed to Hot Sulphur Springs, Colorado, on October 23rd under hazardous snow conditions, to interview Grand County Manager, Richard L. Levengood.

Grand County is a small rural county with a population of 4,500 and includes five small towns. Interestingly, Levengood, the county's manager since 1974, is a Montana native and a 1965 graduate of the University of Montana; he has an annual salary of \$18,000.

The study commissioners gained much insight into the county manager's job. Grand County commissioners praised the manager form. They felt a manager eased their administrative work load and increased fiscal control.

Grand County has three elected county commissioners and six other elected officials. Levengood was appointed by the county commission and is responsible to them only. He has instituted uniform book-keeping through a budget office and, with county commission approval, has budget control. No purchasing in any department is granted without a purchase order.

Levengood stated that either a manager or a financial officer was mandatory if funds were to be controlled and property taxes held down or reduced.

The study commissioners' visit to Grand County influenced their decision to propose a county manager in Wheatland County. Wheatland study commission members would be happy to share the information they gathered with other study commissions.

--submitted by Blanche Blum (Wheatland County Study Commission)



*Has your study commission considered
setting up a Public Information
Task Force of citizens
to inform the voters of your proposal?
Perhaps you should invite
the chairman of your task force
to the March workshops
on Public Information.*

Last month Keith Swanson, Ken Jones, and I went to Boise, Idaho, population 75,000, to discuss government innovations.

We spent considerable time discussing the county-wide highway district which is operating in Ada County. (This is the county in which Boise is located.) This highway district came to be as a result of the following proposition placed before the voters of that county: that all streets and secondary roads in the county be placed under the jurisdiction of a county highway district. The highway district has been in operation for three years.

The chairman of the commission cited several advantages of the consolidated operation: (1) one system of shops and equipment results in reduced costs; (2) greater efficiencies of operation, such as a concentration of equipment, are provided, especially useful in emergencies; and (3) one set of specialized equipment exists.

Since the initiation of the highway district, the city levy in support of streets and county roads has been reduced from 22 mills to 11 mills. The rural levy has increased from six mills to eleven mills. County commissioners we talked to and the chairman of the highway commission felt that the tax levies, now in effect, were more equitable than they were previously. They also said there was a marked improvement in the maintenance of city streets.

County commissioners said they liked the new arrangement because it eliminated this load from their many tasks and because, in their opinion, rural and city folks alike were satisfied.

Boise is now building a joint law enforcement facility which will house city, county and state police. Functions will remain separate, but all departments will use the same communications system. They will have central filing, central office staffs and a consolidated jail facility, also.

--Torlief S. Aasheim, Chairman, Bozeman Study Commission (from The Bozeman Daily Chronicle, 12/2/75)

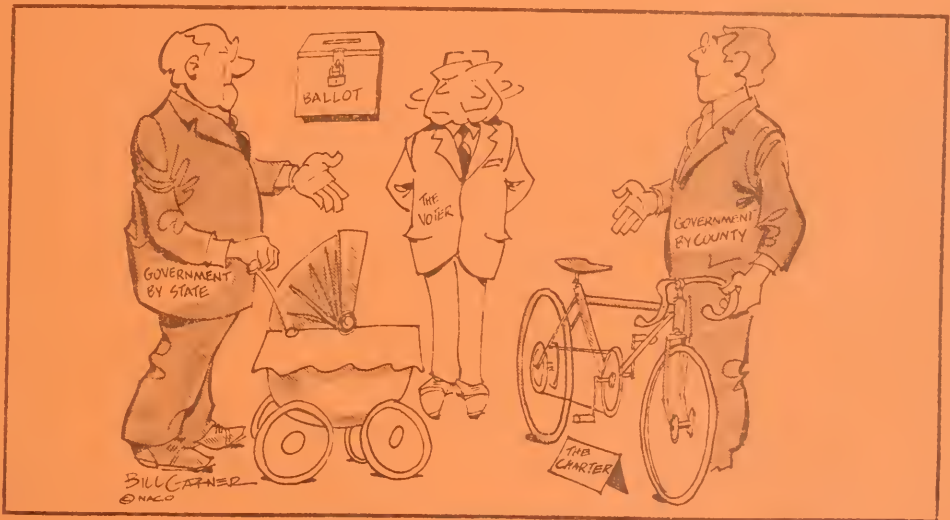


SELF-GOVERNMENT POWERS (HOME RULE) GIVES COUNTIES THE ABILITY TO RESPOND

by R. Dean Zinnecker

R. Dean Zinnecker is executive director of the Montana Association of Counties (MACO). He is available for speaking engagements in your community. Contact him at MACO, 1802 11th Avenue, Helena, Montana 59601. Phone 442-5209

What is county home rule? Typically, the usual answer is some neat, all-inclusive, idealistic definition - such as "county home rule is local self-determination in governmental affairs." This, of course, is unrealistic since historically counties are creatures of their state governments, and legally they are administrative arms of the state. The amount of purely local interest activity by counties is overshadowed by the greater amount of state interest activity by the same counties.



So, essentially, home rule to counties is merely the ability of a county to respond to matters of local interest. The counties are really at a crossroad right now. Some counties are losing population; yet, the population of many urban counties is increasing rapidly. More than any other unit of general government, the county has been hit most directly by the various imbalances caused by the urbanization trends. The fiscal, functional and administrative challenges have effected all governments, but the county, with its rural and urban counterparts, has had to face both the dilemma of rural decline and suburban expansion. These challenges require different approaches but they combine to force the question: Can counties undergo the reforms needed to make them viable and responsive units of government in rural, as well as urban Montana?

Counties in Montana have been hamstrung by inadequate laws that deny county government the flexibility that has traditionally been granted to municipal governments. Counties lack the authority to make administrative changes in county structure. A "parent-child" relationship between the state and the county has resulted in the state telling the county which officers to elect, which ones to appoint, and what duties officials are to perform. In many cases, the various departmental operations of county government are under extremely strict

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COUNTY HOME RULE...

state control, which does not allow the county governing body the kind of flexibility that is granted to a city council, or to a state legislature, to enact the measures that are needed to let a county function in our complex society.

Our tax structure has been handicapped at the county level by overreliance on the property tax. We need extensive improvements in the process by which we assess property, collect taxes and appropriate funds. Counties must be able to attract and retain highly qualified technical, professional and administrative personnel. Here again, there is considerable evidence that the county is not able to remain competitive in the battle to retain competent personnel.

The solution to our complex problems calls for authority at the county level to finance and administer programs in the local interest. Functional and financial flexibility is needed by county governments to enable them to respond to their citizens.

County home rule will always be relative and never absolute. This does not mean that county home rule is any less valuable, any less precious or not worth fighting for. It does mean that we must modernize our concepts to accommodate the continuing relationship of counties to the state, which has created them. It does mean that in matters of purely local interest, counties must have the affirmative freedom to act, to participate, to do and to be responsible.

In short, many of the things that are now needed at the county level are exactly the same things that were needed by municipal governments two or three decades ago. Their struggle for modernization took the form of a prolonged effort at what they called "home rule" or the right of the local electorate, through their elected representatives, to fashion the instrument of local government to suit local needs and desires.

Many of the modernization items that we are seeking have long been in place in municipal government. Cities, by and large, have elected mayors. A great number of them have professionally trained city managers, and a wide range of competent professionals to manage municipal affairs. Counties are moving in this direction and they will soon find a meaningful and productive role for county government in the family of governments.

VOTER REVIEW

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